

EXHIBIT 05

Trial Tr. 07 17 18 AM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RUTH V. BRIGGS,	.	
	.	Case No. 1:15-cv-00902-LS
Plaintiff	.	
	.	
vs.	.	601 Market Street
	.	Philadelphia, Pennsylvania 19106
	.	July 17, 2018
	.	
TEMPLE UNIVERSITY,	.	
	.	
Defendants.	.	
.		

TRANSCRIPT OF TRIAL
DAY 2 - A.M. SESSION
BEFORE THE HONORABLE ROBERT F. KELLY
UNITED STATES DISTRICT JUDGE
AND A JURY

APPEARANCES:

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1 sensed that after these writeups started coming that, as a
2 non -- I was a salaried employee, which meant I wasn't a -- I
3 wasn't in a union. And in Temple, just about everyone,
4 they're in a union, including faculty. So I was one of the
5 few who weren't. And in my department, I believe I was the
6 only non-union employee.

7 And I -- so I was expected to pick up where the hourly
8 rate people were not. So if they left, then I could pick it
9 up. So I -- I did -- I picked up a lot of extra tasks,
10 projects when I was -- I always volunteered for them. And I
11 kept trying to make it work. I kept -- I was trying to make
12 it -- make my -- make myself -- I knew that the -- that the
13 department needed me because when I wasn't there, they would
14 call me to say, Ruth, help me with this, help me with that.
15 But I -- it just didn't seem to -- Dr. Wu loved me when he
16 did, and he -- when he was not on my side, he was brutal. He
17 was brutal to me.

18 Q Did he ever raise his voice?

19 A He did raise his voice frequently. And quite -- in the
20 beginning when I started there, I did approach him privately
21 and ask him if he would -- if I could keep his door closed
22 while he met with his -- his Ph.D. candidates because it was
23 so disturbing to me to hear him yelling at them. So I -- he
24 did. We were allowed to do that. But I could still hear it.

25 There were times when he would come out and yell at me

1 in the front office. I -- on two separate occasions, I
2 remember him looking at me and saying, what are you, stupid.
3 And then another time when he said, can't you speak English.
4 And I was -- you know, I just don't know how to respond to
5 those kinds of comments. I just --

6 Q How does that make you feel to be yelled at?

7 A I was -- I was mortified. I was so embarrassed because
8 it would be in front of -- you know, it was a -- it was a
9 front office. So there could be students there. There could
10 be outside constituents visiting. There could be alums.
11 There could be parents. And there could be, you know, staff
12 members and faculty. So it wasn't like ever a private place.
13 It was -- it was always a public humiliation.

14 Q Did you ever hear him raise his voice with any other
15 employee?

16 A I never heard him. No, I did not.

17 MR. MUNSHI: Your Honor, before we go further, can
18 I just put up the organizational chart that's right up there
19 so the jury can see it?

20 THE COURT: Yep.

21 MR. MUNSHI: Thank you.

22 BY MR. MUNSHI:

23 Q Okay, Ruth. So let me now take you to 2011.

24 A Uh-huh.

25 Q Okay? And let's talk about November of 2011.

1 First of all, you mentioned the year that you were born.

2 But tell us the date of your birthday.

3 A November 10th, 1954.

4 Q Okay. Tell us what happened in November of 2011 on
5 November 9th.

6 A I was in the front office. I was at -- at my desk. And
7 Dr. Wu came and stood in front of my doorway. And he said,
8 so you're having a birthday, how old are you going to be.
9 And I didn't even know he knew my birthday. But I just
10 assumed that someone must have passed him a birthday card or
11 something. And I told him I was going to be 57. And he
12 said, well, you -- because, you know, in China, we put women
13 out to pasture at 55. And I -- like, my jaw dropped because
14 I knew the office was filled with people. And -- and I
15 replied to him, Dr. Wu, with all -- with all due respect,
16 we're in America and not in China.

17 Q How did that make you feel when Dr. Wu said words to the
18 effect of women are put out to pasture?

19 A Well, I was embarrassed. I was also insulted because I
20 -- I would still be working. I have no plan -- had no plans
21 to retire. I was going to work until I -- I like working. I
22 like being part of -- of a community. I like doing the work.
23 I like meeting people. And I love Temple. I -- I just can't
24 imagine that I would -- if I could still be there, I would
25 be. Not in that department, but I would be at Temple.

1 A Yes.

2 Q -- sent this email?

3 A Yes, I did.

4 Q Okay. Was this in person?

5 A Yes.

6 Q Okay. And tell us what you told Sandra Foehl, the
7 Director of Equal Employment Compliance, in your face-to-face
8 meeting with her.

9 A Well, I -- I told her about the age comment and I told
10 her about my -- the retaliation -- my fear of retaliation.
11 And I asked her if there was some kind of way that she could
12 mediate for Dr. Wu and I. I didn't understand what her role
13 was, if she was just there to file a formal complaint or not.
14 And since I agreed -- I said to her I was afraid to do it,
15 that I didn't know that she -- you know, I just didn't know
16 what her role was.

17 Q Had you ever gone to her with a complaint before?

18 A I -- not for me. I had met her for another thing. But,
19 no, I -- never for me.

20 Q And looking at this same email chain, Plaintiff's Trial
21 Exhibit 5 --

22 A Uh-huh.

23 Q -- can we go to the first page, please?

24 A Sure.

25 MR. MUNSHI: And if we can just blow up the top

1 to fire me. I" -- "I do know that I was paid
2 significantly lower than my two" -- "two male staff
3 members in the Dean's office who were my equals."

4 Keep going?

5 Q Keep going.

6 A Okay.

7 "Regarding our discussion related to Dr. Wu's
8 comments about my age, I am forwarding an email
9 that was sent to a student worker in our office
10 about" -- "about yet another job" -- "another one"
11 -- "job functions assigned to her. I was copied on
12 the email as to" -- "as you can see in the email
13 header, as was" -- "as was last week. I was
14 informed in front of Mary Kate, who is a student
15 worker, that she would be handling all his travel
16 arrangements, too. I am not authorizing any action
17 on my part because I am waiting to be cleared for
18 FMLA for a short period to care for my son who has
19 a spinal-cord injury."

20 Q And let's just go to the top email on that same email
21 chain. It's an email up top to Rhonda Brown.

22 A Okay.

23 Q And Rhonda Brown of Office of Institutional Diversity.
24 Read that email for us, please.

25 A "Dear Rhonda, I regret having seen Sandy Foehl

1 MR. MUNSHI: And we'll move Plaintiff's Trial
2 Exhibit 11 into evidence.

3 MR. HARRIS: No objection.

4 THE COURT: It's admitted.

5 (P-11 received in evidence)

6 BY MR. MUNSHI:

7 Q And, Ruth, if we can take a look at your email of
8 February 8th, 2013 to Sandy Foehl on the bottom.

9 A Uh-huh.

10 Q And if we can blow that one up for the jury?
11 Read for us your email to Sandy Foehl of February 8,
12 2013, please.

13 A Okay. "Sandy" --

14 Q And if you want to read it on the screen if that's
15 easier, that's fine.

16 A "Sandy, I am so bullied and harassed every day all
17 day. Every morning I must meet with my direct
18 supervisor and Greg Wacker's assistant Drew DiMeo
19 for a staff meeting to discuss my failure to comply
20 with the directive that prohibits any work activity
21 that has not been approved by my supervisor, all of
22 which are related to performing daily functions in
23 the office, such as answering" -- "such as
24 answering questions from students or visitors to
25 our building. The threat of discipline for

1 assisting a visitor and responding to a request
2 from another office does not seem to have any
3 actions of wrongdoing; rather, fulfilling the
4 customer service expectation of the University. No
5 other staff member is required to meet daily for" -
6 - "for a closed" -- "again, it's a public
7 humiliation. And my request to move the meetings
8 to a private location was flat-out denied. When I
9 asked for clarification on an assignment, I" -- "it
10 was reported to the Dean's office that I was
11 challenging his authority. If he can have someone
12 there to protect his interests, there is no more
13 that I can" -- "there is more than an element of
14 bias. It is beginning to feel like psychological
15 abuse. If my only resource to address this problem
16 is through HR, this is unacceptable. Can I" -- "I
17 can't" --

18 Keep going?

19 Q Yeah. It's --

20 A "Can I contact --"

21 Q -- "Can I contact --"

22 A "-- a mediator?"

23 Q Now, going to the first page of Plaintiff's Trial
24 Exhibit 11, read for us Sandy Foehl's response to the email
25 that you just read out loud to us.

1 A I do.

2 Q Okay. And was that the second written discipline that
3 you had received during your tenure at Temple at that point?

4 A Yes. It was.

5 Q All right. Tell us, Ruth, what happened that led to you
6 getting the three-day unpaid suspension at that time?

7 A It was -- I was working with one of the Assistant
8 Chairs, Eugene Kwatny, who headed up the hiring committee for
9 -- the faculty hiring committee for the department. And I
10 was -- I arranged for faculty candidates to come in, their --
11 you know, their itinerary, their lodging, their food and
12 their -- their -- I hosted them while they were here.

13 So Dr. Whaley was one of I believe nine or 10 that
14 semester. Dr. Whaley and I went back and forth. I sent him
15 an itinerary. He sent it back. It wouldn't work. So there
16 were like three or four itineraries. And I talked to Dr.
17 Kwatny about it and said, we're having a hard time nailing
18 this down. And he said, well, just tell him if he would feel
19 better, go ahead and buy his own ticket and we'll reimburse
20 him. He had to submit it for reimbursement. So that's -- so
21 what happened was I -- I took responsibility for not
22 following up on that. I was off campus at a conference with
23 Dr. Wu, and over the weekend, it occur -- you know, I checked
24 my email and Dr. Kwatny contacted me. He's like, did you get
25 an itinerary. And I think I -- you know, as I recall, I

1 position and she would contact the HR generalist to
2 lift the hold. Since April, I've sent three
3 requests to my" -- "by email to bid on positions
4 that I found, but she has not responded. I have a
5 very strong personal belief regarding"
6 (indiscernible) "litigious society and I feel a
7 moral obligation to find solutions to a problem in
8 a manner that is not adversarial. But no one will
9 respond to me and my professional life is on the
10 line. My situation I believe now is compounded
11 because of my age, my gender, and perhaps
12 ethnicity. I'm begging for someone within Temple
13 to help me mediate this problem. My confidence has
14 never been so low and at 58 years old, I have" --
15 "I have no" -- "not options to change the course of
16 my plummeting professional career because I'm
17 relegated to making coffee and secretarial
18 functions, even though I've never been a secretary.
19 Young female students workers occupy the front
20 office areas where they carry out my job functions
21 while I was relocated to the third floor" --
22 actually, from the third floor of Walkman"
23 (phonetic) "to the tenth floor of Cornell. Even
24 though the two-verus-one meetings continue every
25 morning, the main office and I" -- "the main" --

1 you've had in 13 years at Temple?

2 A Yes.

3 Q Okay. So tell us, what happened here that resulted in
4 you getting this written warning?

5 A I had overslept three hours. And, you know, not -- I
6 was already scared anyways that they were after me, trying to
7 get rid of me. And I live very close to campus. We had no
8 written -- there was no -- the department didn't have any
9 procedures for doing this if you're late, call -- you know,
10 what were you supposed to do.

11 So I called the front office and a student worker
12 answered the phone. And I asked for Judy Lennon, who's the
13 department secretary. She said they -- they couldn't find
14 her. And I said, tell -- is Dr. Wu there. And she said, Dr.
15 Wu's in a meeting and the door is closed. So I said, tell
16 Dr. Wu that I am going to be there in five minutes. I lived
17 that close to campus.

18 And I went in and went to my office.

19 Q And did you call Dr. Wu yourself personally, on his cell
20 phone, for example?

21 A No. Because I was told he was in a meeting with the
22 doors closed.

23 Q Had you ever been this late, a couple of hours late
24 before?

25 A No.

1 MR. HARRIS: Objection. She said three hours, Your
2 Honor.

3 MR. MUNSHI: Oh, I'm sorry. Three --

4 BY MR. MUNSHI:

5 Q Have you ever been three hours late before at Temple in
6 13 years?

7 A No. In fact, I was -- generally there early, and I
8 worked late. I worked Saturdays. I worked Sundays. I was
9 not late. That is not a problem for me, and I was surprised
10 by the -- I was actually surprised to get written up, to be
11 honest with you. When it was handed to me, Dr. Andrew DiMeo
12 handed it to me and I was like, are you kidding. And he
13 went, Ruth, this is serious. I said, I'm not taking -- you
14 know, I'm not denying the fact that I was late, but this is -
15 - you're writing me up for this? I said, what am I -- I'm
16 trying to get off probation so I can, you know, get another
17 job. And he -- he was angry that he didn't think I took it
18 seriously. I did take it seriously. I felt horrible about
19 it. But I stayed on to work the rest of the day until well
20 into the evening, probably until 9 or 10. But that wasn't
21 unusual for any day for me.

22 Q Do you recall Dr. Wu testifying yesterday that you were
23 late multiple times a week? Is that true?

24 A Nothing could be further from the truth. I'm not saying
25 that I'd never been five minutes late when I commuted from

1 the suburbs because of, you know, transport -- you know --
2 you know, traffic, or I was late probably once that -- maybe
3 around that time, that snowy time we had because I was
4 walking to work. Five minutes. But three or four times a
5 week I believe he said. That is -- I feel that that's
6 another way to just make me -- assassinate my character with
7 -- there's no documentation, either.

8 Q That you received?

9 A And I -- from them, no. And I -- you know, I -- and you
10 can see that I document my -- you know, my things and, you
11 know, frequently.

12 Q And let's just get a better understanding of what your
13 workday was like.

14 Were you a -- an hourly worker who punched in or out, or
15 were you salary?

16 A No. I -- I was a salary employee at Temple. And I
17 believe I was the only administrative staff person in the
18 department who wasn't a union employee. So their work rules
19 said you come in at your time and you leave at your time. If
20 you punch in late or punch out late, you can be written up
21 for it. So they had to leave when they did, you know. And
22 when they did, often, I was still there. And whatever
23 someone needed -- was doing, Dr. Wu needed it, I stayed and
24 finished it up for them.

25 Q Did you ever work past 5 p.m.?

1 A It was frequently. A couple times a week I did.

2 Q How about on weekends? Ever work weekends?

3 A I did events, any event that came up I handled. I --
4 there were -- that -- actually, the day after I got written
5 up for this, Dr. Wu called me. It was a snow day and the
6 University was closed. And he told me that I had to come in.
7 And I'd just been disciplined. I wasn't going to argue with
8 him. I came in and I worked that day, even though the
9 University was closed.

10 Q Did you feel that this writeup was retaliatory?

11 A I did. It was -- it is. I believe in my heart that it
12 was retaliatory.

13 Q Were you aware of any other staff members who worked in
14 the office who were late or didn't show up for work?

15 A I am. And it's not my intention to rat anyone out.
16 That isn't my intention. My intention is to point out there
17 was a -- there was a different set of standards from me to
18 other people. We had a young woman start in our department,
19 Hailey King. And she had only been in -- maybe there for
20 like three months. And she didn't come in for three days
21 straight. Didn't call in. Didn't -- we didn't know what
22 happened to her. I was only made aware of it because the
23 timekeeper of the department was on another floor and she
24 called and she said, have you guys seen Hailey. And, no.
25 And she called every day. She called -- she kept trying to

1 call her, and she didn't -- nobody could get in touch with
2 her. She never called in. Then she showed up --

3 Q Is that the Hailey King that's on the organizational
4 chart over there with us?

5 A Yes. Yes, it is.

6 Q Around how old was Hailey when you worked --

7 A Like 28. I mean, yeah. I'm going to -- not older than
8 30, for sure.

9 Q Do you know if Hailey King received a written discipline
10 for not coming to work?

11 A I am not -- you know, I don't -- I don't want anybody to
12 know my business, so I didn't ask. But I was -- I learned
13 later that she hadn't been disciplined. She received a --
14 you know, a talk, a verbal warning, but it didn't make -- a
15 verbal warning is still supposed to go in your HR file.

16 Q Did you feel that Dr. Wu treated Hailey better than you?

17 A Absolutely. And she was on probation, too, because she
18 had not been there a year yet. So that could have been
19 grounds for dismissal.

20 Q Now, Ruth, if you can turn to the document that's behind
21 Tab 33, please, in your binder?

22 A Okay.

23 Q And --

24 A I see it.

25 Q -- tell us what this document is?

1 Ruth, did you ever learn that Dr. -- did you ever learn
2 from anybody about Dr. Wu knowing about your complaints?

3 A Yes. From Andrew DiMeo and from Greg Wacker.

4 Q Tell us what you learned from Mr. DiMeo.

5 A I -- I remember meeting with him first in his office and
6 told him and -- and he told me, he says, like, Dr. Wu knows
7 what's going on, and I'm -- you know, and it's got to stop.
8 And then Greg Wacker is in the same office. He told me that
9 Dr. Wu knows what you're doing and if you want your job, you
10 better cut it out.

11 Q Did you ever tell Drew DiMeo that you were speaking with
12 Sandy Foehl from Equal Employment?

13 A Yes.

14 Q So let's go back to April 1st, 2014.

15 What happens after you leave Sandy Foehl's office?

16 A Well, Greg -- actually, Greg called me when I arrived in
17 the morning and said, we have a meeting in the Dean's office
18 at 10 o'clock in the morning. And I was meeting with Sandy
19 at 10. So I told him that I -- I needed to make it a little
20 later. And he said 10:30 would be fine.

21 So I met with Sandy. I didn't even go back to my
22 office. I just went directly to the Dean's office to Greg's
23 -- where Greg is. And Deirdre Walton was there. And they
24 took me into a conference room and handed me a letter that
25 said that I was being terminated by the end of the day.

1 THE WITNESS: Yes

2 BY MR. MUNSHI:

3 Q There are two bullet points that describe two different
4 situations that they say in this letter led to your
5 termination. Let's talk about those two, okay?

6 A Yes.

7 Q The second bullet point says you were directed to book a
8 room reservation. Do you see that?

9 A Yes, I do.

10 Q Okay. What happened here? Tell us what happened with
11 Dr. Ness Shroff.

12 A I -- there was one overlap in the day. I had -- I think
13 that when -- my -- I maybe booked it the -- his stay on
14 campus in Cumberland from like the 12th to the 13th rather
15 than the 13th to the 14th.

16 Q How did you learn that the dates were supposed to be --
17 how did you learn what the dates were supposed to be?

18 A Well, Dr. Wu told -- asked me to book them.

19 Q Did the dates ever change from what you were originally
20 told?

21 A I -- it was a verbal request. I -- you know, I recall
22 that there was some changing in that. But I don't have it,
23 you know ...

24 Q And as a result of any change that may have happened,
25 did you in fact book a hotel?

1 couldn't allocate them. And Drew -- Drew told me that I was
2 not telling the truth, that I, in fact, did have access to
3 that. And I asked them if they would go -- you know, go with
4 me, and let -- let them show me what I saw because I'm -- I'm
5 pulling up the screen for me. And I wanted that -- and
6 didn't -- and they said they didn't -- no, they wouldn't --
7 didn't need to do that, that I was lying.

8 And I -- I was -- I was called a liar, and I was angry.
9 And I -- and I said, I -- you know, I had -- I had to walk
10 out. I -- I thought I was going to cry.

11 Q So these two issues, the Concur issue that we're talking
12 about right now and the hotel booking issue, those are the
13 two that are on the --

14 A For -- yeah.

15 Q -- bullet points of your termination letter?

16 A Yes. C-level violations.

17 Q Ruth, tell us what it was like to receive a termination
18 letter from Temple after 13 years there?

19 A It was just confirming what I thought to be the case for
20 me. I knew that they were after me, I knew I was being
21 discriminated against because of my age and my gender. And I
22 -- my -- you know, after awhile, it was clear that there was
23 retaliation because I was reaching out to so many different
24 people in a way I thought -- I wasn't trying to be a nudge, I
25 wasn't trying -- I was really asking for help. I wanted

1 A These are email confirmations, you know, ones I
2 submitted my application and letters, and whatever documents
3 they requested online.

4 MR. MUNSHI: Your Honor, we move Plaintiff's
5 Exhibit 66 into evidence.

6 MR. HARRIS: No objection.

7 BY MR. MUNSHI:

8 Q And Ruth, just --

9 THE COURT: It will be admitted.

10 (P-66 received in evidence)

11 BY MR. MUNSHI:

12 Q Without going through every single email there, just
13 talk to us about the various places that you applied to, your
14 efforts to find another job.

15 A I -- I really wanted to stay in higher ed. I -- I -- I
16 really loved it. I -- I -- I didn't get very many
17 interviews, to be honest with you. But one interview I got
18 was with CCP -- I'm sorry -- Community College of
19 Philadelphia, and it was pretty much doing the same thing I
20 was doing in the Dean's Office. It had to do with faculty
21 recruitment.

22 And I had an interview with two women, and I was -- came
23 right up front and told them that I was -- that I resigned
24 from -- from Temple because I, in fact, was asked to resign,
25 after I was fired.

1 cashier.

2 Q How did that make you feel?

3 A I -- I thought this was the end -- I really -- you know,
4 I really did. I thought that I was going to -- I was so
5 distraught. I was going to let my children down. I had no
6 money, and I couldn't even get a minimum-wage-hour job. I
7 was not well. I had asthma, and I had been hospitalized. I
8 had crushed my finger, you know, right before I left. I
9 mean, I had so many things going on, and I --

10 Q Were you also --

11 A I'm pretty much bankrupt. I mean, I didn't file
12 bankruptcy. But you know what? Because I don't have
13 anything. But I lost everything. I finally -- you know
14 what? I finally looked into senior housing, subsidized
15 housing in Philadelphia, through the Philadelphia Commission
16 on Aging. And the ones I looked at were like you could smell
17 urine in the hallways, and it was -- it was so -- you know, I
18 knew I was going to have to make this move because I couldn't
19 afford my apartment. But I thought that that was one step
20 before I stepped into my grave, if I moved into there. And I
21 was just about ready to give up, and I was able to find
22 another source for subsidized housing, for people in
23 situations like mine, that wasn't in a senior home.

24 Q Ruth, were you ultimately able to find a job?

25 A I -- I did. I found a job as -- as a home health aide

1 to a disabled woman, that -- she's totally disabled, through
2 Liberty Home Resources, is what it's called. It's a staff --

3 Q And when did you start with her?

4 A It was August of two years ago, so it was 2014. Yeah.
5 No, 2016. So I've been with her almost two years.

6 Q So, from April 1st, 2014, when you left Temple, you were
7 terminated by Temple, until August of 2016, did you have any
8 jobs?

9 A No, I did not.

10 Q And how much do you make as a home healthcare nurse?

11 A I -- I make ten seven -- \$10.70 an hour now; I started
12 out at 10.50.

13 Q And while you were working at Temple, what was your
14 annual salary?

15 A From 50,000, with benefits.

16 Q And Ruth, if you can turn to 62, the Tab 62 in your
17 binder.

18 A Okay.

19 Q And on the eleventh page of that document, do you see a
20 description of the different health insurance benefits --

21 A Yes, I do.

22 Q -- and other benefits that you received at Temple?

23 A Yes, I do.

24 Q During those two years, Ruth, where you didn't have a
25 job, what did you do for health insurance?

1 A I had -- you know, to be perfectly honest with you, I
2 had never even considered retirement. I -- maybe I just
3 didn't -- it wasn't on my radar at all. So I didn't like
4 have a target date, it never even occurred to me. I had
5 planned to leave that money for my kids, to take care of
6 their brother, when I'm gone. I know it's not much, but it
7 would have helped them take care of their brother, who's
8 disabled.

9 Q And lastly, Ruth, you had mentioned your family a few
10 times. And tell us about how this experience -- how it's
11 affected any relationships you've had with any of your
12 family?

13 A My three grand -- I think the proudest role I've ever
14 been called is -- I have been called is Mimi, and that's
15 grandmother to my grandkids. And that first Christmas, when
16 I didn't have anything, I didn't have -- I couldn't even put
17 up a tree for them, I didn't have gifts for them. And it's
18 so hard to tell children, little ones, that you don't have
19 it. And it -- and I still haven't been able to afford that.
20 I am the -- I'm making it now, with the subsidized rent, but
21 I don't have extra money. There's no extra money.

22 THE COURT: Any other questions?

23 MR. MUNSHI: That's all we have, Your Honor.

24 Thank you.

25 THE COURT: Are you ready -- it's a little -- it's